Dated, 3d May, 1817.

Indian Territories.

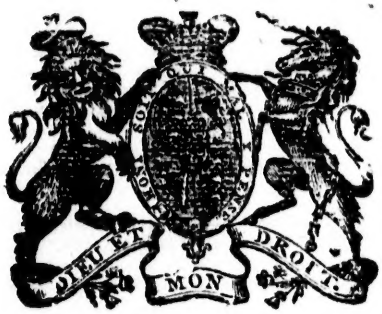
Proclamation

OF

His Royal Highness

THE PRINCE REGENT.

DATED 3d MAY 1817



BY HIS ROYAL HIGHNESS

THE PRINCE OF WALES,

***REGENT** of the United Kingdom of Great Britain and Ireland, in the Name and on the Behalf of His Majesty,*

A Proclamation,

J. C. Sherbrooke.

WHEREAS, by An Act of the Parliament of the United Kingdom of Great Britain and Ireland, Passed in the Forty-third Year of His Majesty's Reign, intituled, "*An Act for extending the "Jurisdiction of the Courts of Justice, in the Provinces of Lower and Upper Canada, to the Trial and Punish- "ment of Persons guilty of Crimes and Offences within certain parts of North America, adjoining to the said "Provinces,*" it is amongst other things enacted, "*That all Offences Committed within any of the Indian Ter- "ritories, or parts of America, not within the Limits of either of the said Provinces, or of any Civil Govern- "ment of the United States of America, shall be, and be deemed to be Offences of the same Nature, and shall "be tried in the same Manner, and be subject to the same Punishment, as if the same had been Committed "within the said Provinces of Lower or Upper Canada.*"

AND WHEREAS, by the said Act it is also enacted, "*That it shall be lawful for the Governor, or "Lieutenant Governor, or Person administering the Government for the time being, of the Province of Lower "Canada, by Commission under his Hand and Seal, to authorize and empower any Person or Persons, "wheresoever resident or being at the time, to act as Civil Magistrates and Justices of the Peace, for any of "the Indian Territories, or parts of America, not within the Limits of either of the said Provinces or of "any Civil Government of the United States of America, as well as within the Limits of either of the said "Provinces, either upon Informations taken or given, within the said Provinces of Lower or Upper Cana- "da, or out of the said Provinces in any part of the Indian Territories, or parts of America aforesaid, "for the purpose only of hearing Crimes and Offences, and Committing any Person or Persons, guilty of "any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of Lower "Canada, to be dealt with according to Law;*" and "*That it shall be Lawful for any Person or Persons "whatever, to apprehend and take before any Persons so Commissioned as aforesaid, or to apprehend and "convey or cause to be safely conveyed, with all convenient Speed, to the Province of Lower Canada, any "Person or Persons guilty of any Crime or Offence, there to be delivered into safe Custody, for the Purpose "of being dealt with according to Law.*"

AND WHEREAS, by the said Act it is also further enacted, "*That every such Offender may and "shall be Prosecuted and tried in His Majesty's Courts of the Province of Lower Canada, in which Crimes*

1817

" and Offences of the like Nature are usually tried, and where the same would have been tried, if such Crime " or Offence had been Committed within the Limits of the Province where the same shall be tried, under the " said Act; That every Offender tried and convicted under the said Act, shall be liable and subject to such " Punishment as may by any Law in Force in the Province where he or she shall be tried, be inflicted for such " Crime or Offence, and that such Court may and shall proceed to Trial, Judgment and Execution, or other " Punishment for such Crime or Offence, in the same Manner in every Respect, as if such Crime or Offence " had been really Committed within the Jurisdiction of such Court; And to proceed also, in the Trial of any " Person, being a Subject of His Majesty, who shall be Charged with any Offence, notwithstanding such " Offence shall appear to have been Committed within the Limits of any Colony, Settlement or Territory, be- " longing to any European State."

AND WHEREAS, divers Breaches of the Peace and Acts of Force and Violence have lately been Committed within the said Indian Territories and parts of America, mentioned and described in the said Act of Parliament, which have arisen from Contentions between certain Merchants, carrying on Trade and Commerce in the said Indian Territories, under the Names of the *Hudson's Bay Company* and *North West Company* respectively, and other Persons, their Servants, Agents or Adherents, of whom some have entered into and seized and occupied by Force, and with Strong Hand, Lands or Possessions, therein taking and by Force retaining divers Goods, Wares, Merchandize, and other Property, and Obstructing the Passage of Navigable Rivers and other natural Passes of the Country; and others have met together in Unlawful Assemblies, formed divers Conspiracies and Confederacies, committed Murders, Riots, Routs and Affrays, and appeared, gone and ridden in Companies, in Military Array with Armed Force, and have Rescued themselves and others from lawful Arrest and Custody.

WE do therefore in the Name and on the Behalf of His Majesty, publish this Proclamation, hereby calling upon the said Merchants, so as aforesaid carrying on Trade and Commerce in the said Indian Territories, under the names of the Hudson's Bay Company, and the North West Company respectively, and upon each and every of them, and upon all other Persons, their Servants, Agents, or Adherents, and each and every of them, to Desist from every Hostile Aggression or Attack whatsoever: And in order to prevent the further employment of an unauthorised Military Force, we do hereby require all Persons, who have been heretofore engaged in His Majesty's service as Officers or Soldiers, and as such have Enlisted and Engaged in the Service of the said Hudson's Bay Company, or North West Company, or either of them, or of any of their Servants, Agents, or Adherents, to leave the Service in which they may be so engaged, within twenty-four hours after their knowledge of this Proclamation, under penalty of incurring our most severe Displeasure, and forfeiting every Privilege to which their former Employment in His Majesty's Service would otherwise have entitled them.

AND WE do, under similar Penalties, hereby require of all and every Person and Persons whomsoever, whom it doth or shall, or may in any wise concern, the Restitution of all Forts, Buildings, or Trading Stations, with the Property which they contain, which may have been Seized or taken Possession of by either Party, to the Party who originally Established or Constructed the same, and were possessed thereof previous to the recent Disputes between the aforesaid Companies.

AND WE do hereby Require in like Manner, of all and every Person and Persons whomsoever, whom it doth or shall, or may in any way Concern, the removal of any Blockade or Impediment by which any Party, Person or Persons may have attempted to prevent, or interrupt the free passage of Traders, or others of His Majesty's Subjects, or of the Natives of the said Indian Territories, with their Merchandize, Furs, Provisions, and other Effects, throughout the Lakes, Rivers, Roads, and every other usual Route or Communication heretofore used for the purpose of the Fur Trade in the interior of North America; and full and free permission for all Persons to pursue their usual and accustomed Trade, without hindrance or molestation, Hereby declaring, that nothing done in consequence of this Proclamation, shall in any degree be considered to affect the Rights which may ultimately be adjudged to belong to either or any Party, upon a full consideration of all the circumstances of their several Claims.

AND WHEREAS, for the purpose of restraining all Offences in the said Indian Territories, and of bringing to Condign Punishment the Perpetrators of all Offences there Committed, His Excellency SIR JOHN COAPE SHERBROOKE, Knight Grand Cross of the Most Honorable Military Order of the Bath, His Majesty's Captain General and Governor in Chief, in and over the Provinces of Lower and Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, Lieutenant-General and Commander of all His Majesty's Forces in the said Provinces, &c. &c. &c. by and with the advice of His Majesty's Executive Council, of, and for the said Province of Lower Canada, hath Nominated, Constituted and Authorised the Honourable WILLIAM BACHELER COLTMAN, one of the Members of the said Council, a Lieutenant-Colonel in His Majesty's Indian Department, and one of His Majesty's Justices of the Peace, for the Western District of the said Province of Upper-Canada, and JOHN FLETCHER, Esquire, Barrister at Law, one of the Principal Police Magistrates and Chairman of His Majesty's Court of Quarter Session

for the District of Quebec, a Major in the said Indian Department, and one of His Majesty's Justices of the Peace for the said Western District of Upper-Canada, to act as Civil Magistrates and Justices of the Peace for the said Indian Territories and parts of America aforesaid, as well without as within the said Provinces of Lower and Upper-Canada, under and by Virtue of the said Act, and also, His Majesty's Special Commissioners for Inquiring into and Investigating all Offences Committed in the said Indian Territories, and the Circumstances attending the same, with Power and Authority for such Purposes.

AND WHEREAS, the said WILLIAM BACHELER COLTMAN, and JOHN FLETCHER, are Immediately about to Proceed to the said Indian Territories, in execution of the Trust so reposed in them:

WE do Hereby strictly Charge and Command, in the Name and on the Behalf of His Majesty, all Sheriffs, Bailiffs, Constables and other Officers of the Peace and all others, His Majesty's Officers, Servants and Subjects, Civil and Military, generally, in their several and respective Stations, to make diligent inquiry and search to discover and apprehend all Persons who have been or shall be guilty of any such Crimes or Offences as aforesaid, or any other Crimes or Offences whatsoever, within the Indian Territories or parts of America, in the said Act mentioned and described, whether without or within the said Provinces of Lower or Upper Canada, and to cause them to be carried before the said WILLIAM BACHELOR COLTMAN and JOHN FLETCHER, or one of them, or such other Magistrates as may hereafter be appointed for the like Purposes, or otherwise be invested with competent Jurisdiction in that behalf, to be dealt with according to Law, and by all lawful Ways and Means whatsoever, to Repress and Discourage all such Crimes and Offences; requiring and directing them and each of them, as well within the said Indian Territories or parts of America, as elsewhere, to be Aiding and Assisting to the said WILLIAM BACHELER COLTMAN and JOHN FLETCHER, in the Execution of the Duties wherewith they are Charged, as such Magistrates and Special Commissioners as aforesaid, in all their Endeavours for the Repression and Discouragement of all such Crimes and Offences wheresoever, or by whomsoever Perpetrated or Committed; for the Detection and Apprehension of all such Persons as have been or hereafter shall be Concerned or Implicated in the Perpetration thereof, and for the Maintenance and Preservation of the Peace and of the Laws.

IN FAITH and Testimony whereof, WE, by our Express Command, in the Name and on the Behalf of His Majesty, have caused the Great Seal of the Province of Lower Canada to be hereunto affixed.

WITNESS our Trusty and Well Beloved SIR JOHN COAPE SHERBROOKE, Knight Grand Cross of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief of the said Provinces of Lower and Upper Canada, Nova Scotia and New Brunswick, Lieutenant General and Commander of all His Majesty's Forces in the said Provinces, &c. &c. at the Castle of Saint Lewis, in the City of Quebec, in the said Province of Lower Canada, this Third Day of May, in the Year of our Lord Christ, One Thousand Eight Hundred and Seventeen, and in the Fifty-seventh Year of His Majesty's Reign.

J. C. S.

By His Excellency's Command,

JOHN TAYLOR, *Dep'y. Sec'y.*

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